

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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POSCO DAEWOO AMERICA CORP.

Plaintiff,

Civil Action No.

-against-

NOTICE OF REMOVAL

ALLNEX USA, INC. and TRAVELERS CASUALTY
AND SURETY COMPANY OF AMERICA

Defendants.

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Defendant Travelers Casualty and Surety Company of America (“Travelers”), by and through its undersigned counsel, McElroy, Deutsch, Mulvaney & Carpenter, LLP, hereby submits the instant Notice of Removal pursuant to 28 U.S.C. § 1441, *et seq.*, and alleges the following.

1. On or about December 19, 2016, the Plaintiff, Posco Daewoo America Corp. (the “Plaintiff”), commenced a civil action against the above-named defendants in the Superior Court of the State of New Jersey, Bergen County, Law Division, Docket No. BER-L-8917-16 (the “State Action”).

2. A true and accurate copy of Plaintiff’s Summons and Complaint is annexed hereto as **Exhibit “A”**.

3. On January 11, 2017, Travelers consented to Plaintiff’s request to waive formal service of Plaintiff’s pleadings, and authorized its undersigned counsel to accept service on Travelers’ behalf.

4. A true and accurate copy of the January 12, 2017 Acknowledgement of Service executed by Travelers is annexed hereto as **Exhibit “B”**.

5. This Notice of Removal is being filed within thirty (30) days after service of the Summons and Complaint, and is therefore timely filed under 28 U.S.C. § 1446(b).

6. The Plaintiff is a corporation organized and incorporated in the State of New York, with its principal place of business located in the State of New Jersey.

7. Travelers is a corporation organized and incorporated in the State of Connecticut, with its principal place of business located in Connecticut.

8. Defendant Allnex USA, Inc. is a corporation organized and incorporated in the State of Delaware, with its principal place of business located in the State of Georgia.

9. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1441(a), which provides for removal of “any civil action brought in a state court of which the district courts of the United States have original jurisdiction.” 28 U.S.C. § 1441(a).

10. Pursuant to 28 U.S.C. § 1332(a)(1), the district courts have original jurisdiction over this civil action because there is complete diversity of citizenship, and because the matter in controversy exceeds the sum of \$75,000.

11. According to the Complaint (Exhibit “A”), Plaintiff seeks recovery of damages against Allnex USA, Inc. and Travelers in the amount of not less than \$367,613.46 (Cmpl. ¶ 9), together with interest and costs.

12. Venue is proper under 28 U.S.C. § 1441(a) because the State Action is pending in this District.

WHEREFORE, Travelers respectfully requests that the instant action be removed from the Superior Court of the State of New Jersey, Bergen County to this Court, pursuant to 28 U.S.C. § 1441, *et seq.*

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP



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Dated: January 24, 2017